

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF OHIO
WESTERN DIVISION AT DAYTON**

GREGORY WALKER JOHNSON,	:	
Plaintiff,	:	Case No. 3:09cv00048
vs.	:	District Judge Thomas M. Rose
		Magistrate Judge Sharon L. Ovington
MARC ECKO UN LTD., <i>et al.</i> ,	:	
Defendants.	:	

DECISION AND ENTRY

The Court has conducted a de novo review of the Report and Recommendations of United States Magistrate Judge Sharon L. Ovington (Doc. #33), to whom this case was originally referred pursuant to 28 U.S.C. §636(b), and noting that no objections have been filed thereto and that the time for filing such objections under Fed. R. Civ. P. 72(b) has expired, hereby **ADOPTS** said Report and Recommendations. It is therefore **ORDERED** that:

1. The Report and Recommendations filed on October 15, 2009 (Doc. #3) is ADOPTED in full;
2. Defendants Ecko Complex, LLC, d/b/a Ecko Unltd.; Perry Ellis International, Inc.; Sears Holding Management Corporation; Williamson-Dickie Manufacturing Co.; Rocawear Apparel, LLC; and Kemistre 8, LLC d/b/a Akademiks' Motion to Dismiss (Doc. #15), and Defendant Wal-Mart Stores, Inc.'s Motion to Dismiss (Doc. #20) are GRANTED. Consequently, Plaintiff's Complaint is DISMISSED; and
3. This case is terminated on the docket of the Court.

November 5, 2009

*s/THOMAS M. ROSE
Thomas M. Rose
United States District Judge